

**Remarks of
ANNETTE M. SANDBERG, ADMINISTRATOR
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
to the
NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS
PUBLIC MEETING
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Opening

I want to thank you on behalf of President Bush and Transportation Secretary Mineta for being in here today and helping us with this very difficult issue.

Safety

Safety is at the heart of what we do at the Department of Transportation and it's primary to what the Federal Motor Carrier Safety Administration (FMCSA) specifically does. That's why "safety" is in our name and Congress continues to remind us that everything we do needs to be focused on safety. We have a very aggressive goal inside DOT to reduce fatalities on our nation's highways by 41% by the year 2008.

It continues to be more and more challenging every year, particularly in the commercial motor vehicle (CMV) area. If we look at last year's fatality numbers, they were about 5,000 fatalities again related to CMVs and the challenge that we have is that we continue to see miles increase in the commercial vehicle arena. So our rate of exposure is much higher, but at the same time we still need to see some kind of reduction and one of the areas that Congress and others have continued to ask us to focus on as we reduce our regulatory backlog overall is the medical area.

Focus on the Driver

Clearly, the fitness of CMV drivers is becoming more and more important. One of the things that we will be releasing this year is our Large Truck Crash Causation Study. In our preliminary look at that data, it's clear that the driver needs to be our focus, not the vehicle. Many of our programs in the past have been focused on the vehicle, such as conducting more roadside inspections. We've focused on brakes, we've focused on tires – all of those things – but the Crash Causation Study shows us that we clearly need to focus on drivers and issues surrounding them.

That's some of what we are trying to do here. The quality of the medical certification for drivers has been an issue for a long time and many of you here in the room know that. CMV drivers are required to meet Federal medical standards and receive a bi-annual physical examination. An estimated 3 to 4 million DOT physical examinations are performed each year. We want to be sure that truck drivers are carrying legal medical certificates and that those certificates accurately reflect the qualification status of the driver.

Currently, the system that we have in place is vulnerable in a number of areas. In August of 2001 the National Transportation Safety Board (NTSB) concluded that medical

examiners might not have the knowledge and information necessary to make appropriate decisions about driver fitness. NTSB at that time made a number of recommendations to our Agency and kind of a holistic recommendation is that we develop a comprehensive medical oversight program for interstate drivers.

This recommendation included requirements ensuring medical examiners are qualified and are educated about the driver occupational issues. And I can tell you that continues to be a problem, and that's why we are here today. I probably sign more medical issue letters than any other kind, including those about vision qualifications and diabetic drivers. One of the things that we see time and time and time again are drivers who are certified by somebody to say that they are qualified to drive when, in fact, they don't meet our base qualifications.

There are three major initiatives that we currently have under way to improve the certification of drivers. Up to this point, Congress has been extremely supportive and, in fact, for those of you following the re-authorization bill, a number of these provisions are in there.

Medical Review Board

One initiative is the creation of a Medical Review Board. A lot of our regulations, as many of you are aware, particularly in the medical arena, are very old and need to be updated. But, in order for us to update those we know we need to have good advice from outside entities to tell us how we should proceed. The Medical Review Board is a five-member panel with experts who will advise our agency on medical standards and emerging medical issues. We have begun a preliminary recruitment for these members and we hope to have the board up and running and working on issues this fall.

Merger of the CDL and Medical Certificate

The next initiative would ultimately do away with the medical certificate and replace it with an electronic record that is part of the commercial driver's license (CDL). We feel that this piece is absolutely critical. Right now, drivers have a driver's license and a piece of paper that says they are medically qualified. Our proposal is to merge the truck driver's medical information with the CDL data system. So, in essence, when a driver gets his or her certification it would go to the state's division of motor vehicles, which would then have to show on the CDL that the driver continues to be medically certified. This is already being done in two states: Indiana and Arizona.

In addition, we are exploring alternative ways of incorporating medical requirements into the CDL issuance process through research being conducted by the State of Indiana. We will be introducing rulemakings in 2006 as the first step towards meeting our goal of merging the commercial driver's license with the medical requirements. You can expect to see a Notice of Proposed Rulemaking (NPRM) next year on the merging of those two documents.

National Registry of Certified Medical Examiners

The last issue is the one that we are here for today, which is the Registry of Certified Medical Examiners - which I will refer to as the Registry. I want to be clear that this right now is our *proposal* only, our first shot. One of the things that I've stressed with FMCSA since I arrived is that we want to reach out to our stakeholders. With some past rulemakings, after we've drafted a proposal and sent out our NPRM, we've had much reaction from the public and then we've addressed their issues as we come up with the final rule.

Our objective in having these meetings – such as today's – at the front end is to get the best thoughts that are out there before we draft the NPRM. Our objective is to try to have the best possible proposal so that people are responding and trying to make it better rather than reacting to what they perceive to be a bad proposal. That's really why we are here today and, as Rose mentioned, we are going to have further meetings later on around the country to try to get more thoughts. So, when I talk about these things don't think that they are in concrete; don't think that we've already made up our minds. This is just our first approach at how we want to do this.

The Registry that we are envisioning would provide a list of medical examiners who are authorized to perform the physical qualification examination of the more than 6 million truck and motorcoach drivers operating in interstate commerce right now. Our goal is to maintain ongoing competency of medical examiners through training, testing, certification and recertification. This will ensure that medical examiners fully understand the standards that we have in place and that they are staying current with standards as the standards change because we know once we place the Registry there, we can't just have a set of regulations that never change. Those regulations are constantly going to be changing as the Medical Review Board gives us more information of current medical trends and how we need to change those regulations.

This will ensure that the examiners are staying current. It would promote public confidence in the quality of medical examinations of CMV drivers and the concept of the Registry is currently being considered, as I mentioned earlier, in the re-authorization bill up on Capitol Hill. While we already have the full authority to create a Registry, we hope that the language about it is included in the final Congressional package, as this legislation would reinforce our authority.

If the Registry is established, our agency would require all CMV drivers to obtain their medical certificates from a certified medical examiner listed on the Registry. Accreditation of the certification program is based on standards and is a critical component of our quality management for the program. If the Registry is established, by 2009 we would have a national database of trained medical examiners that are certified to perform CMV driver physical qualification exams. These examiners would know driver qualification standards and guidelines and conditions under which drivers work. It's critical that the doctors or examiners understand the conditions under which these drivers work.

Information Accessibility

The list of certified medical examiners would be easily accessible to CMV drivers and motor carriers so they could locate the ones that are closest to them and send their drivers to those locations. The primary method for information dissemination is a planned Web site for the Registry so that information would be accessible to anybody who needed it. We would also have a resource center with a toll-free telephone number that would be available as another option. We are very excited about the opportunity for a Registry and we're actually very excited about an opportunity to deal with a whole host of medical issues in the coming year or so.

But again, we really need the best information that's available and that's why I hope that you all are here—to give us some ideas on how we can make this proposal even better. Our objective is to make sure that whoever is on the Registry is accessible. I don't want it to be a point where a driver has to travel 700 miles from home to find a medical examiner to get their certificate. Our objective is not to narrow this so much that it makes it more difficult for drivers and carriers to qualify.

Our objective is to make sure that when an examiner certifies somebody that person is fully qualified to drive a CMV. As a member of the public, I would like to know that the CMV driver coming up behind me at 70 miles per hour on a freeway has been medically certified and should be behind the wheel of that vehicle. We can't say that right now with any kind of confidence or certainty. Whatever system we come up with, we have to be able to look the public in the eye and say we're putting the best possible drivers out there on the roadway, they're safe to be out there with the motoring public and in the end what it does is it helps us reach our goal of reducing fatalities and injuries, which is the most important thing.

Closing

As a former state trooper, I've seen the results of CMV crashes. I know some of you in the audience have dealt with the aftermath of such crashes, too. Our overall objective is not to make this so restrictive that people suddenly lose their livelihood. Our overall objective is to make our Nation's highways safer. And so, we would ask that you keep that goal in mind as we proceed today and try to make this proposal better.

Thank you very much.